

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

**BOUCHARD TRANSPORTATION CO.,
INC., *in personam*; and M/V EVENING
STAR, her engines, tackle, furniture,
apparel, appurtenances, etc., *in rem*; and
BARGE B. NO. 250, her engines, tackle,
furniture, apparel, appurtenances, etc., *in
rem*,**

Defendants.

§

§ **Case No.** _____

§

§ **Honorable Judge** _____

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§ **MOTION BY WELLS FARGO BANK,
§ N.A. FOR ISSUANCE OF WARRANT OF
§ ARREST, APPOINTMENT OF
§ SUBSTITUTE CUSTODIAN AND
§ SERVICE OF PROCESS**

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Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) hereby respectfully moves this Court, upon the accompanying Memorandum of Law and the Verified Complaint annexed thereto, for:

1. An Ex Parte Order, in the proposed form annexed hereto as Exhibit A, directing the Clerk to issue a warrant, in the proposed form annexed hereto as Exhibit B, for the arrest of the M/V Evening Star, IMO Number 9629768, Official Number 1234828, and the Barge B. No. 250, Official Number 123549 (together, the “Vessels”);

2. An Ex Parte Order, in the proposed form attached hereto as Exhibit C, appointing National Maritime Services, Inc. (“NMS”) (which, along with Wells Fargo, executed the Consent and Indemnification Agreement attached as Exhibit D) to serve as the Substitute Custodian in lieu of the U.S. Marshal for the arrest of the Vessels, and appointing Alice D. Colarossi, Alan Swimmer, and Gerard LoPreiato to serve the warrant of arrest on the Vessels; and

3. Such other and further relief as the Court deems just and proper.

WHEREFORE, Plaintiff respectfully requests that this Court grant its Motion for issuance of warrants of arrest and appointment of a Substitute Custodian.

Dated this 18th day of June, 2020, New York, New York.

Respectfully submitted,

/s/ Jane Freeberg Sarma

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Pro hac vice applications forthcoming